

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

July 24, 2007

In the Matter of:

Waiver Request for Extension of Time                    )  
Jamestown Manufacturing Corporation                    )        WT Docket 07-136

To: The Commission

COMMENTS OF ALTAPHON, INC.

Altaphon, Inc., hereby respectfully submits comments in response to the Wireless Telecommunications Bureau's request on WT 07-136, DA 07-2924, released July 2, 2007 regarding licenses held by Jamestown Manufacturing Corporation (Jamestown). These comments are timely filed.

Altaphon is a Nevada corporation that owns and operates communications sites in the western United States and develops high reliability networks, primarily for public safety agencies. Like Jamestown, Altaphon is also a developer of new paging services in the low VHF band. Altaphon holds 80 licenses in the 35 and 43 MHz bands, awarded in Auction 48. We have met similar delays in the rollout of our new paging services, although we expect to meet the deadline for substantial service. Altaphon has no connection with Jamestown or its parent company Trimble, and until their waiver request filing, could only surmise from other information that Jamestown was planning a realtime GPS correction service over its paging channels.

We support Jamestown's request for extension of time. The description of market conditions in Jamestown's waiver request is accurate; the major manufacturers of paging transmitters below 150 MHz have found little reason to continue manufacturing for a market which has largely abandoned these frequencies.

While the Commission has been reluctant in the past to accept non-availability of equipment as a reason for extension of time, the fact remains that ordinary commercial paging services envisioned by Part 22 are no longer economically viable on low VHF. Service for one-way paging to individually



addressable receivers is far more economically realized on UHF frequencies. Low VHF is better suited for one-to-many data delivery service such as that proposed by Jamestown, because fewer transmitters are required to cover a given area, especially when the same data is required at all receivers. We anticipate the development of other one-to-many services, but the market demand for them does not yet exist; a licensee must develop not only the market but the transmitters and receiving equipment as well.

The requirements for buildout and “substantial service” in section 22.503(k) were formulated at a time when there was intense competition for Paging and Radiotelephone Service frequencies, and speculation in buying and selling frequencies was a problem. In the case of most if not all of Jamestown’s (and Altaphon’s) licenses, the licensee was the only bidder at the auction. In most of the nation in Auction 48, 35 and 43 MHz frequencies went without bid. The underlying premise of section 22.503(k) of the Rules, that there are willing and eager users of these frequencies, is not valid in this case. In practice, users of 35 and 43 MHz frequencies will be companies that develop products other than the traditional tone-and-voice paging service, because traditional paging users have largely switched to two-way services including cellular and PCS. The remaining one-way services are primarily operated by nationwide networks at 900 MHz.

The issue of license revocation in the event that buildout requirements are not timely met has another complication as well. Should Jamestown’s licenses be cancelled, there is no provision for other entities to apply for or use the spectrum. Licenses in Part 22 services are allocated by auction, and no auctions for this spectrum are presently scheduled.

We additionally suggest that the FCC consider amending section 22.503(k) of its Rules to remove the requirement that licensees provide “substantial service,” for licenses in the 35 and 43 MHz bands. There is only the remnant of a paging business in these bands. The Commission should do all it can to promote the development of new wireless services in these bands, and should permit licensees to deliver one-way services to whatever part of their geographic area will support them. The fact that there was no competition in Auctions 40 and 48 for low VHF channels should indicate that speculation is not an issue. There are enough obstacles to the development of new uses of spectrum that has been abandoned by its traditional users; the Commission should remove those obstacles that serve no purpose today.

Respectfully submitted,

(signed)



David L. Josephson, VP Operations  
Altaphon, Inc. -- California  
329A Ingalls Street  
Santa Cruz, CA 95060